

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:09-CR-216-FL

UNITED STATES OF AMERICA

v.

DANIEL PATRICK BOYD, et al.,

Defendants.

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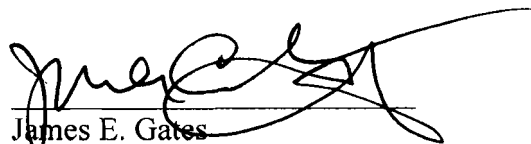
**ORDER**

This case comes before the court on the portions of defendants' 29 March 2010 motion (D.E. 279) to compel and for other relief that relate to unclassified matters—that is, general and sensitive discovery. These portions of the motion have been referred to the undersigned, pursuant to 28 U.S.C. § 636(b)(1)(A). The other portions of the motion will be addressed by separate order of the presiding District Judge.

In their motion, defendants seek an order compelling the government to provide responses to a 2010 set of discovery requests, which incorporates another set of discovery requests. The requests relate to both classified matters, and general and sensitive discovery. In violation of Local Criminal Rules 12.2(d) and 16.1(a), E.D.N.C., the motion lacks a certification that defense counsel conferred with government counsel regarding the requests as they relate to general and sensitive discovery. The portions of the motion relating to such discovery are therefore DENIED. This denial is without prejudice to defendants' right to re-file if, after the requisite good-faith consultation, there are disputes regarding such discovery that cannot be resolved without the court's intervention.

Defendants are admonished to comply with the consultation requirement with respect to all future discovery motions. In a case such as this, pre-filing consultation is particularly important to the efficient conduct of the litigation.

SO ORDERED, this 13th day of May 2010.



James E. Gates  
United States Magistrate Judge